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EXAMINER

LEE, CHRISTOPHER E

ART UNIT	PAPER NUMBER
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2112

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/955,961	<b>Applicant(s)</b> ANDRE, GREGORY S.	
	<b>Examiner</b> Christopher E. Lee	<b>Art Unit</b> 2112	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 August 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION*****Receipt Acknowledgement***

1. Receipt is acknowledged of the Amendment filed on 19<sup>th</sup> of August 2004. Claims 1, 17, 19 and 31 have been amended; no claim has been canceled; and no claim has been newly added since the Non-Final Office Action was mailed on 19<sup>th</sup> of March 2004. Currently, claims 1-31 are pending in this application.

***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-7, 14-26 and 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura [JP 409022380 A] in view of Yamagami et al. [JP 408272756 A; hereinafter Yamagami] and PCI System Architecture [PCI System Architecture, 3<sup>rd</sup> Ed., published by Mind Share, Inc. in 1995; hereinafter PCI\_System].

*Referring to claim 1*, Kimura discloses an apparatus (i.e., multilevel bus connection type multiprocessor system) for managing flow of information among plural processors of a processing array (See Abstract), comprising: a system bus (i.e., system bus 2 of Fig. 1) for interconnecting at least two processors (i.e., processors 3 in each processor module 1 in Fig. 1).

Kimura does not teach means for arbitrating access to at least a first portion of said system bus among said at least two processors to transfer information over said first portion, said information being transferred using a protocol by which said system bus performs control actions for system bus access independently of said at least two processors.

Yamagami discloses a multiprocessor system (Fig. 1), wherein means for arbitrating (i.e., a system bus arbitrating mechanism 3 in Fig. 1; See Abstract on Brief Summary) access to at least a first portion (i.e., a portion of system bus between boot ROM 2 and selected processors 4, 5 and 6 in Fig. 1) of a system bus

(i.e., system bus 1 of Fig. 1) among at least two processors (i.e., processors 4, 5 and 6 in Fig. 1) to transfer information (i.e., code in said boot ROM 2 in Fig. 1) over said first portion (See para. [0027]), said information being transferred using a protocol (i.e., a procedure used to control the orderly exchange of codes between said boot ROM and said selected processor on said system bus) by which said system bus performs control actions for system bus access independently of said at least two processors (See Fig. 2 and paras. [0021]-[0028]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included said means for arbitrating (i.e., system bus mediation device), as disclosed by Yamagami, in said apparatus, as disclosed by Kimura, for the advantage of providing a method of said apparatus (i.e., multiprocessor system) which can raise the reliability in the case of the boot process of said apparatus (i.e., multiprocessor system; See Yamagami, para. [0008]).

Kimura, as modified by Yamagami, does not teach said means for arbitrating establishing a clear path to a destination device by checking device busy signals to ensure that said destination device is not busy.

PCI\_System discloses a PCI Local Bus (See Chapter 3. Introduction to PCI Bus Operation), wherein

means for arbitrating (i.e., Arbiter for Arbitration Algorithm; See Chapter 6. PCI Bus Arbitration) establishing a clear path to a destination device (i.e., PCI target device) by checking device busy signals (i.e., checking TRDY#) to ensure that said destination device is not busy (i.e., TRDY# is asserted; See page 86, step 6.; i.e., wherein in fact that IRDY# and TRDY# are sampled asserted and the first data transfer takes place implies that establishing a clear path to a device (i.e., PCI bus from initiator device to target device) by checking device busy signals (i.e., TRDY#) to ensure that said destination device is not busy (i.e., target device is ready)).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included said method steps of arbitrating (i.e., PCI arbitration algorithm), as disclosed by PCI\_System, in said step of arbitrating, as disclosed by Kimura, as modified by Yamagami, for the

advantage of allowing bus arbitration to take place while the bus owner (i.e., current initiator) is performing a data packets transfer (See PCI\_System, page 82, Hidden Bus Arbitration).

*Referring to claim 2*, Kimura, as modified by Yamagami and PCI\_System, teaches at least one module (i.e., processor modules 1 in Fig. 1; Kimura) connected by said system bus (i.e., system bus 2 of Fig. 1; Kimura) to said means for arbitrating (i.e., system bus mediation device 3 of Fig. 1; Yamagami).

*Referring to claim 3*, Kimura, as modified by Yamagami and PCI\_System, teaches said at least one module (i.e., processor modules 1 in Fig. 1; Kimura) comprises a gateway device (i.e., a first part of system interface controller 6, which is performing interface control between said intramodule bus and said system bus in Fig. 1; Kimura) for communicating via said system bus (i.e., system bus 2 of Fig. 1;

See Kimura, para. [0006] step ④) to said means for arbitration (i.e., system bus mediation device 3 of Fig. 1; Yamagami).

*Referring to claim 4*, Kimura teaches said at least one module (i.e., processor modules 1 in Fig. 1) comprises a module bus (i.e., bus in module 5 of Fig. 1) for administering to at least one module node (i.e., a plural pairs of respective processor 3 and proper cache 4 in Fig. 1) within said at least one module (i.e., processor modules).

*Referring to claim 5*, Kimura teaches said at least one module node (i.e., a plural pairs of respective processor 3 and proper cache 4 in Fig. 1) comprises a processing device (i.e., processor 3 in Fig. 1).

*Referring to claim 6*, Kimura teaches said at least one module node (i.e., a plural pairs of respective processor 3 and proper cache 4 in Fig. 1) comprises a bus interface device (i.e., a second part of system interface controller 6, which is performing mediation control of a request on said intramodule bus in Fig. 1) for achieving data communication between said processing device and said module bus (See para. [0006] step ④).

*Referring to claim 7*, Kimura teaches said at least one module (i.e., processor modules 1 in Fig. 1) comprises a local processor bus (i.e., a bus between processor 3 and proper cache 4 in Fig. 1) for communicating data (i.e., cache data) between said processing device (i.e., processor 3 of Fig. 1) and said bus interface device (i.e., said second part of system interface controller 6 in Fig. 1; in fact, said local processor bus is for communicating cache data between said processor and said second part of system interface controller).

*Referring to claim 14*, Yamagami teaches a system controller (i.e., system bus mediation device 3 of Fig. 1) for controlling access to said system bus (See Fig. 2 and paras. [0021]-[0028]).

*Referring to claim 15*, Yamagami teaches said system controller (i.e., system bus mediation device 3 of Fig. 1) comprises a system bus arbitration unit (i.e., a system bus arbitrating mechanism, disclosed in Abstract on Brief Summary) for controlling access to said system bus (See Fig. 2 and paras. [0021]-[0028]).

*Referring to claim 16*, Yamagami teaches said system controller (i.e., system bus mediation device 3 of Fig. 1) comprises a processor (i.e., processor optional feature 14 of Fig. 1) connected to a bus interface device (i.e., processor holding register 13 of Fig. 1), which is connected to said system bus (i.e., system bus 1 of Fig. 1).

*Referring to claim 17*, Kimura discloses a method for managing a flow of information among plural processors of a processing array (See Abstract), comprising the step of interconnecting at least two processors (i.e., processors 3 in each processor module 1 in Fig. 1) by a system bus (i.e., system bus 2 of Fig. 1).

Kimura does not teach the step of arbitrating access to at least a first portion of a system bus among said at least two processors to transfer information over said first portion, said information being transferred using a protocol by which a system bus performs control actions for system bus access independently of said at least two processors.

Yamagami discloses a multiprocessor system (Fig. 1), wherein a step of arbitrating (i.e., a system bus arbitrating mechanism 3 in Fig. 1; See Abstract on Brief Summary) access to at least a first portion (i.e., a portion of system bus between boot ROM 2 and selected processors 4, 5 and 6 in Fig. 1) of a system bus (i.e., system bus 1 of Fig. 1) among at least two processors (i.e., processors 4, 5 and 6 in Fig. 1) to transfer information (i.e., code in said boot ROM 2 in Fig. 1) over said first portion (See para. [0027]), said information being transferred using a protocol (i.e., a procedure used to control the orderly exchange of codes between said boot ROM and said selected processor on said system bus) by which a system bus performs control actions for system bus access independently of said at least two processors (See Fig. 2 and paras. [0021]-[0028]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included said step of arbitrating (i.e., system bus mediation device), as disclosed by Yamagami, in said method, as disclosed by Kimura, for the advantage of providing a method, which can raise the reliability in the case of the boot process of said plural processors of a processing array (i.e., multiprocessor system; See Yamagami, para. [0008]).

Kimura, as modified by Yamagami, does not teach that arbitrating access comprises establishing a clear path to a destination device by checking device busy signals to ensure that said destination device is not busy.

PCI\_System discloses a PCI Local Bus (See Chapter 3. Introduction to PCI Bus Operation), wherein arbitrating access (i.e., Arbitration Algorithm; See Chapter 6. PCI Bus Arbitration) comprises establishing a clear path to a destination device (i.e., PCI target device) by checking device busy signals (i.e., checking TRDY#) to ensure that said destination device is not busy (i.e., TRDY# is asserted; See page 86, step 6.; i.e., wherein in fact that IRDY# and TRDY# are sampled asserted and the first data transfer takes place implies that establishing a clear path to a device (i.e., PCI bus from initiator device to target device) by

checking device busy signals (i.e., TRDY#) to ensure that said destination device is not busy (i.e., target device is ready)).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included said method steps of arbitrating (i.e., PCI arbitration algorithm), as disclosed by

5 PCI\_System, in said step of arbitrating, as disclosed by Kimura, as modified by Yamagami, for the advantage of allowing bus arbitration to take place while the bus owner (i.e., current initiator) is performing a data packets transfer (See PCI\_System, page 82, Hidden Bus Arbitration).

*Referring to claim 18*, Kimura teaches the step of: interconnecting at least one module (i.e., processor modules 1 in Fig. 1) with said system bus (i.e., system bus 2 of Fig. 1) by way of a bus gateway  
10 device (i.e., a first part of system interface controller 6, which is performing interface control between said intramodule bus and said system bus in Fig. 1; See para. [0006] step ④), said at least one module (i.e., processor modules) comprising said bus gateway device (i.e., a first part of system interface controller), a module bus (i.e., intramodule bus 5 of Fig. 1), at least one processor (i.e., processors 3 in a processor module 1 in Fig. 1), and at least one bus interface device (i.e., a second part of system interface  
15 controller 6, which is performing mediation control of a request on said intramodule bus in Fig. 1) for connecting said at least one processor to said module bus (See para. [0006] step ④).

*Referring to claim 19*, PCI\_System teaches requesting a bus grant (i.e., asserting REQ#) to transmit data packets to said device (i.e., target device in case of writing operation; See page 85, step 1); receiving a bus grant signal (i.e., sampling GNT#) in response to said step of requesting, indicating that  
20 data may be transmitted over a system bus (i.e., over PCI bus; See page 86, step 2); and transmitting data packets (i.e., beginning a data transaction) in response to said step of receiving (See page 86, step 6).

*Referring to claim 20*, PCI\_System teaches said steps of requesting and receiving are accomplished by a device (i.e., master device) connected to said system bus (i.e., PCI bus; See Fig. 6-1 on page 78 and Fig. 6-3 on page 88).



*Referring to claim 21*, PCI\_System teaches said bus grant signal (i.e., GNT#) is issued by a system bus arbitration unit (i.e., PCI Arbiter in Fig. 6-1 on page 78; See page 77, Arbiter).

*Referring to claim 22*, PCI\_System teaches inquiring if said system bus (i.e., PCI bus) is in use (i.e., checking if the PCI bus is not in idle state, viz., FRAME# or IRDY# is asserted; See page 86, step 2); verifying that a destination device (i.e., target device) is not busy (i.e., TRDY# is asserted) once said system bus is not in use (i.e., once the PCI bus is in idle state, viz., both of FRAME# and IRDY# are deasserted; See page 86, steps 2-6); requesting access (i.e., asserting REQ#) to said system bus to a system bus arbitration unit (i.e., PCI Arbiter in Fig. 6-1 on page 78; See page 77, Arbiter); gaining access to said system bus from said system bus arbitration unit (See page 86, step 5, and Fig. 6-3 on page 88); and transmitting data packets (i.e., beginning a data transaction) to said destination device (i.e., target device; See page 86, step 6).

*Referring to claim 23*, PCI\_System teaches said system bus arbitration unit (i.e., PCI Arbiter in Fig. 6-1 on page 78) allows continual access to said system bus (i.e., performing additional transactions upon completion of the current transaction) if said destination device does not become busy, if said bus does not become busy, and if no other device requests access to said system bus (See page 85, lines 21-28).

*Referring to claim 24*, PCI\_System teaches said system bus arbitration unit (i.e., PCI Arbiter in Fig. 6-1 on page 78) grants access to a second device (i.e., a bus request device to perform a next transaction) upon request during a transmission of a data packet (i.e., bus arbitration being taken place while the current transaction is performed by an initiator) by another device (i.e. the initiator of the current transaction) on said system bus (See Hidden Bus Arbitration, on page 82).

*Referring to claim 25*, PCI\_System teaches access to said system bus (i.e., accessing to PCI bus) is granted to a second device (i.e., a PCI master device performing the next transaction) by said system bus arbitration unit (i.e., PCI Arbiter in Fig. 6-1 on page 78), which executes the steps of: discontinuing

bus grant access to any device currently transmitting data (i.e., deasserting GNT# from the bus master currently transmitting data; See page 86, step 4); verifying that said system bus is not busy (i.e., checking if the PCI bus is in idle state, viz., both of FRAME# and IRDY# are deasserted); verifying that a destination device (i.e., target device) is not busy (i.e., TRDY# is asserted; See page 86, steps 2-6);

5 granting access to said system bus for said second device requesting access (See page 86, step 5);

delaying any further transmission by said device whose access to said system bus was discontinued by said step of discontinuing until after at least one data packet has been transmitted by said second device (See page 86, step 7-16 and page 82, Hidden Bus Arbitration).

*Referring to claim 26*, PCI\_System teaches access to said system bus between multiple devices

10 connected to said system bus is granted according to priority (See page 79, lines 5-7).

*Referring to claim 28*, Kimura teaches devices (i.e., processor modules 1 in Fig. 1) connected to said system bus (i.e., system bus 2 of Fig. 1) contain local and module busses (i.e., a bus between processor 3 and proper cache 4, and an intramodule bus 5 in Fig. 1) connected to said system bus by way of a gateway device (i.e., connected to said system bus 2 via system interface controller 6 in Fig. 1),

15 which arbitrates access to nodes (i.e., a plural pairs of respective processor 3 and proper cache 4 in Fig. 1) connected to said module bus (See Solution on the Brief Summary).

*Referring to claim 29*, Kimura, as modified by Yamagami and PCI\_System, teaches said gateway device (i.e., system interface controller 6 of Fig. 1; Kimura) arbitrates access to said local and module busses (See Kimura, Solution on the Brief Summary) according to priority (See PCI\_System, page 79,

20 lines 5-7).

*Referring to claim 30*, Kimura, as modified by Yamagami and PCI\_System, teaches said gateway device (i.e., system interface controller 6 of Fig. 1; Kimura) arbitrates access to said local and module busses (i.e., a bus between processor 3 and proper cache 4, and an intramodule bus 5 in Fig. 1; Kimura) in a rotating fashion (See PCI\_System, page 80, lines 20-22).

*Referring to claim 31*, PCI\_System teaches inquiring if said module bus (i.e., PCI bus) is in use (i.e., checking if the PCI bus is not in idle state, viz., FRAME# or IRDY# is asserted; See page 86, step 2); verifying that a destination processor (i.e., target device) is not busy (i.e., TRDY# is asserted) once said module bus is not in use (i.e., once the PCI bus is in idle state, viz., both of FRAME# and IRDY# are deasserted; See page 86, steps 2-6); requesting access to said module bus to a bus gateway device (i.e., PCI Arbiter in Fig. 6-1 on page 78; See page 77, Arbiter); gaining access to the module bus from said bus gateway device (See page 86, step 5, and Fig. 6-3 on page 88); and transmitting data packets (i.e., beginning a data transaction) to said destination processor (i.e., target device; See page 86, step 6).

4. Claims 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura [JP 409022380 A] in view of Yamagami [JP 408272756 A] and PCI\_System [PCI System Architecture, 3<sup>rd</sup> Ed., published by Mind Share, Inc. in 1995] as applied to claims 1-7, 14-26 and 28-31 above, and further in view of Sand et al. [US 5,990,939 A; hereinafter Sand].

*Referring to claims 8, 12 and 13*, Kimura, as modified by Yamagami and PCI\_System, discloses all the limitations of the claims 8, 12 and 13, respectively, except that does not teach a sensor interface connected to said system bus.

Sand discloses a video demultiplexing interface for a missile tracking system 10 in Fig. 1, wherein a sensor interface, which is a forward looking infrared (FLIR) video sensor interface (i.e., Video Thermal Tracker interface 70 in Fig. 2) connected to a system bus (i.e., channel 1, 2, ... N in Fig. 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was

made to have combined said sensor interface for said missile tracking system, as disclosed by Sand, with one of said at least two processors (i.e., processors in each processor module), as disclosed by Kimura, as modified by Yamagami and PCI\_System, so as said apparatus to be used for an missile tracking with the advantage of providing a secondary track link being capable of tracking through battlefield conditions and including conventional algorithms to prevent jamming (See Sand, col. 4, lines 41-52).

*Referring to claim 9*, Sand teaches said sensor interface (i.e., Video Thermal Tracker interface 70 in Fig. 2) comprises a processor (i.e., controller 188 of Fig. 2) for processing sensor data (See col. 7, line 66 through col. 8, line 6 and lines 46-57).

*Referring to claim 10*, Sand teaches said sensor interface (i.e., Video Thermal Tracker interface 70 in Fig. 2) comprises a bus interface device (i.e., Sample & Hold 1...N, AGC 1...N, Offset 1...N Correction, and Low Pass Filter 1...N in Fig. 2) for communicating data (i.e., video signal) between said processor (i.e., controller 188 of Fig. 2) and said system bus (i.e., channel 1, 2, ... N in Fig. 2).

*Referring to claim 11*, Sand teaches said sensor interface (i.e., Video Thermal Tracker interface 70 in Fig. 2) comprises a local processor bus (i.e., connecting bus between said controller 188 and Sample & Hold 1...N in Fig. 2) for communicating data (i.e., control signal) between said processor (i.e., controller 188 of Fig. 2) and said bus interface device (i.e., Sample & Hold 1...N, AGC 1...N, Offset 1...N Correction, and Low Pass Filter 1...N in Fig. 2).

5. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura [JP 409022380 A] in view of Yamagami [JP 408272756 A] and PCI\_System [PCI System Architecture, 3<sup>rd</sup> Ed., published by Mind Share, Inc. in 1995] as applied to claims 1-7, 14-26 and 28-31 above, and further in view of McDonald et al. [US 6,138,176 A; hereinafter McDonald].

*Referring to claim 27*, Kimura, as modified by Yamagami and PCI\_System, discloses all the limitations of the claim 27 including access to said system bus between multiple devices connected to said system bus is granted in a rotating fashion based on said priority (See PCI\_System, page 80, lines 20-22), except that does not teach said rotating fashion for a maximum of a time required to transfer one data packet.

McDonald discloses a high-performance RAID system (See Abstract), wherein access to a system bus (i.e., packet-switched bus) between multiple devices (i.e., automated controllers AC<sub>1-8</sub> 84 in Fig. 6) connected to said system bus is granted (i.e., granting time slots on said packet-switched bus) in a rotating

fashion (i.e., round robin protocol) for a maximum of a time required to transfer one data packet (See col. 18, lines 23-27).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included said method step of accessing system bus, as disclosed by McDonald, in said step of arbitrating, as disclosed by Kimura, as modified by Yamagami and PCI\_System, for the advantage of obviating a requirement of suspending said destination device read or write operation (i.e., disk read or disk write operation) as the result insufficient bandwidth on said system bus (i.e., packet-switched bus; See McDonald, col. 18, lines 35-38).

### ***Response to Arguments***

6. Applicant's arguments filed on 19<sup>th</sup> of August 2004 have been fully considered but they are not persuasive.

*In response to the Applicant's argument with respect to* "In the Office Action, the examiner correctly acknowledges that Kimura and Yamagami et al. fail to teach or suggest arbitrating that comprises ... Therefore, the Examiner, with reference to page 86, step 6, relies on the PCI publication for teaching device busy signals "TRDY#" and "IRDY#" that allegedly ensure that a destination device is not busy. It is respectfully submitted, however, that the Examiner's interpretation of the PCI publication concerning these busy signals mischaracterizes what is taught in the relied upon parts of this document. The PCI publication discloses that the signal IRDY# is monitored by an arbiter to determine if the bus is busy before parking on the bus (see, page 83, the first scenario and Table 6-1). Step 6 of page 87 discloses that IRDY# is sampled to indicate that target data is present on the bus. It does not imply, teach or suggest that the signals TRDY# and IRDY# are checked by an arbiter to ensure that a destination device is not busy to establish a clear path to the destination device. ..." on Response page 10, lines 1+, the Examiner believes the Applicant misinterprets the reference PCI\_System (viz., PCI publication), and thus respectfully disagrees.

First of all, the Examiner characterizes the term “bus parking” based on the skill in the art of computer technology, such that “even if no device requests ownership of the bus, the arbiter grants ownership to one of the devices connected to the bus to keep the bus driven, so as to prevent floating of the bus”, which is called “bus parking”. And, the Examiner notices that the Step 6 is not on page 87, but on page 86.

- 5 The Applicant asserts the PCI publication discloses that (1) the signal IRDY# is monitored by an arbiter to determine if the bus is busy before parking on the bus on page 83, the first scenario and Table 6-1, and (2) that IRDY# is sampled to indicate that target data is present on the bus on page 86, Step 6. Therefore, it does not imply, teach or suggest that the signals TRDY# and IRDY# are checked by an arbiter to ensure that a destination device is not busy to establish a clear path to the destination device.
- 10 In fact, in contrary to the Applicant’s assertion, the PCI publication disclosure (1) on page 83 states a possible step in a scenario regarding the method utilized when implementing “bus parking” in a bus arbiter, which is not related to the claimed invention at all because the Applicant’s invention is not dealing with the subject matter “bus parking”, and further, the PCI standard IRDY# signal is not a dependent signal of “bus parking”, and the PCI publication disclosure (2) on page 86 at Step 6 states
- 15 IRDY# is asserted to indicate to the target that the data is present on the bus, and IRDY# and TRDY# are sampled asserted and the first data transfer takes place, which inherently implies that the claimed limitations “establishing a clear path to a device (i.e., PCI bus from initiator device to target device) by checking device busy signals (i.e., TRDY#) to ensure that said destination device is not busy (i.e., target device is ready).
- 20 Therefore, the reference in the record PCI\_System suggests the claimed limitation “establishing a clear path to a destination device (i.e., PCI target device) by checking device busy signals (i.e., checking TRDY#) to ensure that said destination device is not busy, i.e., TRDY# is asserted; See PCI\_System, page 86, Step 6.; i.e., wherein in fact that IRDY# and TRDY# are sampled asserted and the first data transfer takes place inherently implies that establishing a clear path to a device (i.e., PCI bus from initiator

device to target device) by checking device busy signals (i.e., TRDY#) to ensure that said destination device is not busy (i.e., target device is ready). See Paragraph 3 of the instant Office Action, the exemplary claim 1 rejection under 35 U.S.C. 103(a) as being unpatentable over Kimura in view of Yamagami and PCI\_System.

5 Thus, the Applicant's argument on this point is not persuasive.

### *Conclusion*

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

10 A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of  
15 the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher E. Lee whose telephone number is 571-272-3637. The examiner can normally be reached on 9:30am - 5:30pm.

20 If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark H. Rinehart can be reached on 571-272-3632. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

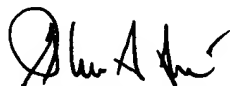
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see [http://pair-](http://pair-direct.uspto.gov)

- 5    [direct.uspto.gov](http://pair-direct.uspto.gov). Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher E. Lee  
Examiner  
Art Unit 2112

cel/ *CEL*

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